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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/081,084

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Indra Laksono

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EXAMINER

SHEPARD, JUSTIN E

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/081,084

Applicant(s)

LAKSONO ET AL.

Examiner

Justin E. Shepard

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 31,32 and 58-63 is/are pending in the application.
- 4a) Of the above claim(s) 42-57 and 64-72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31,32 and 58-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Newly submitted claims 42-57 and 64-72 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: In remaining original claim (amended claim 31) the determination of which stream to select is performed at the display device, while in the newly added claims the determination is performed at the video provider. These are two distinct inventions and would require additional searching.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 42-57 and 64-72 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2623

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31, 58, and 59<sup>-60</sup> are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheriton in view of Schober.

Referring to claim 31, Cheriton discloses a method comprising:

determining at the display device a first channel of a plurality of channels of a multicast channel based on the first data transmission rate (column 7, lines 5-8; figure 5, part 550; column 2, lines 59-65), wherein each channel of the plurality of channels is used to provide a different version of a plurality of versions of a video stream, and where each version of the video stream includes a different resolution scale (column 6, lines 63-67; column 7, lines 1-5); and

accessing the first channel to receive a version of the video stream associated with the first channel (column 7, lines 5-8).

Cheriton does not disclose a method for determining at a display device a first data transmission rate between the display device and a wireless access point.

Schober discloses a method for determining at a display device a first data transmission rate between the display device and a wireless access point (page 7, paragraph 73, lines 8-14).

At the time of the invention it would have been obvious for one of ordinary skill in the art to enable the display device to determine its bandwidth, as taught by Schober, in the method disclosed by Cheriton. The motivation would have been to enable the device to perform an informed decision when subscribing to the multicast channel.

Referring to claim 58, Cheriton discloses a method comprising:

determining, at the networked display device, a first multicast address from a plurality of multicast addresses based on the first data transmission rate (column 7, lines 5-8; figure 5, part 550; column 2, lines 59-65), each of the plurality of multicast addresses associated with a corresponding version of a plurality of versions of a video stream (column 6, lines 63-67; column 7, lines 1-5); and

receiving, at the networked display device, a first version of the plurality of versions of the video stream via the transmission connection using the first multicast address for a first duration (column 6, lines 63-67; column 7, lines 1-5).

Cheriton does not disclose a method for determining, at a networked device, a first data transmission rate of a transmission connection of the networked display device at a first time.

Schober discloses a method for determining, at a networked device, a first data transmission rate of a transmission connection of the networked display device at a first time (page 7, paragraph 73, lines 8-14).

At the time of the invention it would have been obvious for one of ordinary skill in the art to enable the display device to determine its bandwidth, as taught by Schober, in the method disclosed by Cheriton. The motivation would have been to enable the device to perform an informed decision when subscribing to the multicast channel.

Referring to claim 59, Cheriton discloses a method of claim 58, wherein receiving the first version of the plurality of versions of the video stream comprises:

processing, at the networked display device, a plurality of transmitted data packets associated with the first multicast address having data representative of the first version of the plurality of versions of the video stream (column 1, lines 59-65).

Referring to claim 60, Cheriton does not disclose a method of claim 58, wherein the transmission connection comprises a wireless connection between the networked display device and an access point.

Schober discloses a method of claim 58, wherein the transmission connection comprises a wireless connection between the networked display device and an access point (page 7, paragraph 73, lines 8-14).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the wireless transmission taught by Schober in the method disclosed by Cheriton. The motivation would have been to enable the display device to be able to be used in places without a physical connection.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheriton in view of Schober as applied to claim 31 above, and further in view of Sachs.

Referring to claim 32, Cheriton and Schober do not disclose a method of claim 31, wherein the multicast channel is based on a IEEE 802.11 standard.

Sachs discloses a method of claim 31, wherein the multicast channel is based on a IEEE 802.11 standard (paragraph 19, lines 2-9).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the wireless transmission taught by Sachs to the method disclosed by Cheriton and Schober. The motivation would have been to enable the user to enjoy video playback while not being constrained to one physical location.

Claims 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheriton in view of Schober as applied to claim 58 above, and further in view of Hinderks.

Referring to claim 61, Cheriton and Schober do not disclose a method of claim 58, wherein determining the first multicast address comprises performing a table lookup based on the first data transmission rate.

Hinderks discloses a method of claim 58, wherein determining the first multicast address comprises performing a table lookup based on the first data transmission rate (page 5, paragraph 54, lines 1-6 and 16-22).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the lookup table taught by Hinderks in the method disclosed by Cheriton and Schober. The motivation would have been to enable the system to use a one-way network (page 5, paragraph 54, lines 16-22).

Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheriton in view of Schober as applied to claim 58 above, and further in view of Aho.

Cheriton and Schober do not disclose a method of claim 58, further comprising:

determining, at the networked display device, a second data transmission rate of a transmission connection of the networked display device at a second time subsequent to the first time;

determining a second multicast address from the plurality of multicast addresses based on the second data transmission rate; and

receiving, at the networked display device, a second variation of the plurality of versions of the video stream via the transmission connection using the second multicast address for a second duration subsequent to the first duration.

Aho discloses a method of claim 58, further comprising:

determining, at the networked display device, a second data transmission rate of a transmission connection of the networked display device at a second time subsequent to the first time;

determining a second multicast address from the plurality of multicast addresses based on the second data transmission rate; and

receiving, at the networked display device, a second variation of the plurality of versions of the video stream via the transmission connection using the second multicast address for a second duration subsequent to the first duration (column 2, lines 66-67; column 3, lines 1-13).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the adaptive transmission rate method taught by Aho in the method disclosed by Cheriton and Schober. The motivation would have been to provide a



system wherein the user can move away from the signal source without losing the feed (Aho: column 3, lines 7-13).

Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheriton in view of Schober in view of Aho as applied to claim 62 above, and further in view of Hinderks.

Referring to claim 63, the claim is rejected on the same grounds as claim 61.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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